

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:20-CV-00094-M

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	DEFAULT JUDGMENT OF
)	FORFEITURE
\$50,363.00 IN U.S. CURRENCY,)	
)	
Defendant.)	

This matter is before the Court on Plaintiff United States of America's Motion for Default Judgment [DE 10]. Plaintiff alleges that Defendant is a seizure of \$50,363.00 in United States currency on January 3, 2020 from Michael Lashawn-White, who was "charged with trafficking cocaine by possession, trafficking cocaine by manufacturing, trafficking cocaine by transport, possession with the intent to sell and deliver cocaine, sell and deliver cocaine within 1000 feet of [a] park, maintaining a dwelling for drugs, [and] possession of marijuana." *See* Compl., DE 1; Declaration of DEA Task Force Officer Anthony R. DiGiovanni ("Decl.") at ¶ 24, DE 1-1. Plaintiff asserts that DiGiovanni's home was searched on January 3, 2020, at which time detectives found, among other items, a quantity of marijuana, quantities of crack cocaine and a white "residue," a firearm, ammunition, and United States currency amounting to \$50,363.00, to which a drug detection canine positively alerted. Decl. at ¶ 25. During a security sweep of the residence before the search, detectives located

the following individuals: Patricia Ann Powell, her mother, Peggy Ann Tyler, White's two sons, aged 16 and White's 16-year-old nephew, and Leroy Ellis Cooke, Powell's boyfriend. *Id.* at ¶ 13. In addition to White, these individuals are potential claimants of the Defendant in this case.

It appears from the record that Plaintiff provided direct notice of this *in rem* forfeiture matter to the known claimants [*see DE 7*], and separately published the requisite notice on an official internet government forfeiture site in accordance with Supplemental Rule G(4) of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Actions ("Supplemental Rules"). *See DE 5; see also Fed.R.Civ.P. Supp. R. G(4)(a)(4)(C) and G(4)(b).* Accordingly, with due notice having been provided by the United States as required under the Supplemental Rules, the Court finds that:

1. The verified Complaint and attached Declaration of DEA Task Force Officer Anthony R. DiGiovanni [DE 1, DE 1-1] satisfy the requirements of Fed. R. Civ. P. Supp. R. G(2);
2. Process was duly issued in this case and the Defendant was duly seized by the United States Marshals Service pursuant to said process;
3. No person has filed any claim to the Defendant nor answer to the Plaintiff's Complaint within the time fixed by law and in accordance with the requirements of the Supplemental Rules;
4. On October 14, 2020, this Court entered default in this action [DE 10];

5. The present motion was mailed to the known claimants on September 25, 2020 [DE 10 at 3], but the Court received no response within the time required pursuant to Local Civil Rule 7.1(f)(1); and

6. The well-pled allegations of the Complaint with respect to the Defendant are taken as admitted, as no one has appeared to rebut or deny them.

Based upon the above findings, it is hereby

ORDERED AND ADJUDGED that:

1. The motion is GRANTED and default judgment is entered against the Defendant;

2. All persons claiming any right, title, or interest in or to the Defendant are held in default;

3. The Defendant is forfeited to the United States of America;

4. The United States Marshal Service is directed to dispose of the Defendant according to law; and

5. Upon the entry of this judgment, the Clerk of Court is DIRECTED to close this case.

SO ORDERED this 29th day of December, 2020.



RICHARD E. MYERS II
UNITED STATES DISTRICT JUDGE